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Technology Center 2100

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In re Application of: Paul Giotta
Application No.: 09/750,009
Filed: December 27, 2000
For: SCALEABLE MESSAGE SYSTEM

)
) **DECISION ON PETITION FOR**
) **APPLICANT'S STATE OF HEALTH**
) **UNDER M.P.E.P. §708.02(III)**
)

This is a decision on the petition, filed August 28, 2003 under 37 C.F.R. §1.102(c) and M.P.E.P. §708.02 (III): Applicant's State of Health, to make the above-identified application special. There is no fee for this petition.

A grantable petition to make an application special under 37 C.F.R. §1.102(c), M.P.E.P. §708.02 (III) requires evidence that the state of health of the petitioner is such that he or she might not be able to assist in the prosecution of the application if it were to run its normal course.

The petition includes a doctor's certificate dated April 16, 2003, attesting to the fact that the petitioner has not been capable of working 100% from January 31, 2003 until further notice. The petition is also accompanied by an email from Brigitte Bader, Assistant to Dr. Henry Wild, stating that the petitioner is "under chemotherapy treatment and has been on medical leave currently non-permanent." It is unclear from the evidence that the petitioner might not be able to assist in the prosecution of the application due to the petitioner's state of health, particularly, in light of petitioner's non-permanent medical leave. The petitioner should submit additional, sufficient evidence, explaining how the illness would prevent the petitioner from assisting in the prosecution of the instant application should he wish to continue to petition to make special under 37 C.F.R. §1.102(c).

For the above stated reasons, the Petition is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should the petitioner desire

reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above.



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